

	INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL	
	Chapter 16: Intergovernmental Case Processing	Effective Date: 11/26/2019
	Section 7: Establishing Paternity/Parentage or a Child Support Order	Version: 1 Revision Date: 11/26/2019

BACKGROUND

N/A

POLICY

In cases where paternity/parentage and/or a child support order is not established and the non-custodial parent is located in another jurisdiction, the Title IV-D Prosecutor shall determine whether paternity/parentage establishment is appropriate through either:

1. A one state remedy by exercising long-arm jurisdiction;¹ or
2. A two state remedy by initiating a Uniform Interstate Family Support Act (UIFSA) action to the appropriate jurisdiction.²

If the Title IV-D Prosecutor is forwarded a UIFSA packet for the purpose of establishing paternity/parentage and/or a child support order, the Title IV-D Prosecutor shall establish paternity/parentage and/or child support as though the case were an intrastate case.³ The court shall apply the Indiana Child Support Rules and Guidelines to determine the appropriate amount of child support for the parent to pay.⁴ The Indiana court may also issue a temporary order.⁵

REFERENCES

- [IC 31-18.5-2-4](#): Simultaneous proceedings
- [IC 31-18.5-3-16](#): Special rules of evidence and procedure
- [IC 31-18.5-4-1](#): Issuance of support order and temporary child support order
- [45 C.F.R. § 303.7](#): Provision of services in intergovernmental IV-D cases

PROCEDURE

1. General Procedures

If the Title IV-D Prosecutor determines long-arm jurisdiction is appropriate for paternity/parentage establishment, see Chapter 9: Paternity Establishment. If the Title

¹ 45 C.F.R. § 303.7(c)(3)

² 45 C.F.R. § 303.7(c)(3); 45 C.F.R. § 303.7(c)(4)(ii)

³ 45 C.F.R. § 303.7(d)(6)(i); 45 C.F.R. § 303.7(d)(6)(ii)

⁴ 45 C.F.R. § 302.56; See Chapter 10: Child Support Order Establishment

⁵ IC 31-18.5-4-1(b)

IV-D Prosecutor determines long-arm jurisdiction is appropriate for child support establishment, see Chapter 10: Child Support Order Establishment.

If the Title IV-D Prosecutor determines a UIFSA action is appropriate, see Chapter 16, Section 5: Initiating an Action Under UIFSA.

If the Title IV-D Prosecutor receives a UIFSA packet to establish paternity/parentage, see Chapter 9: Paternity Establishment. If the Title IV-D Prosecutor receives a UIFSA packet to establish child support, see Chapter 10: Child Support Order Establishment.

2. Appearance of Out-of-State Party

The physical presence of a party who resides in another state shall not be required at a hearing.⁶ Indiana shall permit an out-of-state party to be deposed or testify under penalty of perjury by telephone, audiovisual means, or other electronic means at a designated tribunal or another location.⁷ Indiana must cooperate with other tribunals to designate an appropriate location in Indiana for deposition or testimony.⁸

3. Notice to Other State

The Title IV-D Prosecutor shall provide timely notice to the initiating agency in advance of any hearing that may result in establishment of an order.⁹

4. Temporary Orders

The court may issue a temporary child support order if the court determines that such an order is appropriate and the individual ordered to pay is:¹⁰

- a. A presumed father of the child;¹¹
- b. Petitioning to establish the individual's parentage;¹²
- c. Identified as the father of the child through genetic testing;¹³
- d. An alleged father who has declined to submit to genetic testing;¹⁴
- e. Shown by clear and convincing evidence to be the father of the child;¹⁵
- f. An acknowledged father of the child;¹⁶
- g. The mother of the child;¹⁷ or
- h. An individual who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.¹⁸

⁶ IC 31-18.5-3-16(a)

⁷ IC 31-18.5-3-16(f)

⁸ IC 31-18.5-3-16(f)

⁹ 45 C.F.R. § 303.7(d)(7)

¹⁰ IC 31-18.5-4-1(b)

¹¹ IC 31-18.5-4-1(b)(1)

¹² IC 31-18.5-4-1(b)(2)

¹³ IC 31-18.5-4-1(b)(3)

¹⁴ IC 31-18.5-4-1(b)(4)

¹⁵ IC 31-18.5-4-1(b)(5)

¹⁶ IC 31-18.5-4-1(b)(6)

¹⁷ IC 31-18.5-4-1(b)(7)

¹⁸ IC 31-18.5-4-1(b)(8)

5. Simultaneous Proceedings

If a pleading to establish support is filed in another state or foreign country and then subsequently filed in Indiana, the Indiana court may exercise jurisdiction only if:

- a. The pleading in Indiana is filed prior to the expiration of time for a responsive pleading to be filed challenging the jurisdiction of the other state or foreign country;¹⁹
- b. The contesting party timely challenges the jurisdiction of the other state or foreign country;²⁰ and
- c. Indiana is the home state of the child.²¹

If a pleading to establish support is filed in Indiana and then subsequently filed in another state or foreign country, the Indiana court may not exercise jurisdiction if:

- a. The pleading filed in another state or foreign country is filed prior to the expiration of time for a responsive pleading to be filed challenging the jurisdiction of the Indiana court;²²
- b. The contesting party timely challenges the jurisdiction of Indiana;²³ and
- c. The other state or foreign country is the home state of the child.²⁴

FORMS AND TOOLS

1. [Federal Interstate Time Frames UIFSA](#)
2. [Initiating Intergovernmental Cases Checklist](#)
3. [Initiating Intergovernmental \(Outgoing UIFSA\) Smart Guide](#)
4. [Intergovernmental Case Management UIFSA FAQ](#)
5. [Intergovernmental Forms Matrix \(OCSE\)](#)
6. [Responding Intergovernmental Cases Checklist](#)
7. [Responding Intergovernmental \(Incoming UIFSA\) Smart Guide](#)
8. [UIFSA Matrix \(CSB\)](#)

FREQUENTLY ASKED QUESTIONS

N/A

RELATED INFORMATION

1. Chapter 9: Paternity Establishment
2. Chapter 10: Child Support Order Establishment
3. Chapter 16: Intergovernmental Case Processing, Section 5: Initiating an Action Under UIFSA

¹⁹ IC 31-18.5-2-4(a)(1)

²⁰ IC 31-18.5-2-4(a)(2)

²¹ IC 31-18.5-2-4(a)(3)

²² IC 31-18.5-2-4(b)(1)

²³ IC 31-18.5-2-4(b)(2)

²⁴ IC 31-18.5-2-4(b)(3)